

Breinton Regulation 16 Submission Neighbourhood Development Plan

Paragraph 8 of Schedule 4b

‘Basic Conditions’ Statement

Table of Contents

1.0 Legal Requirements	3
2.0 Basic Conditions	4

1.0 Legal Requirements

The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, namely Breinton Parish Council.

What is being proposed is a neighbourhood development plan

The plan proposal relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

The proposed Neighbourhood Plan states the period for which it is to have effect

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from the Plan being made (2016) up to 2031 (the same period as the Herefordshire Core Strategy Local Plan).

The policies do not relate to excluded development

The Neighbourhood Plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The Neighbourhood Plan proposal relates to the Breinton Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

2.0 Basic Conditions

A draft neighbourhood Plan must meet a set of basic conditions before it can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. How the Breinton NDP meets these basic conditions is set out below.

Have Appropriate Regard to National Policy

The Breinton Neighbourhood Plan has been produced with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF). Paragraphs 183-185 of the NPPF outline specific guidance in relation to the production of Neighbourhood Plans. Paragraph 184 states that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Plans must be in general conformity with the strategic policies of the local plan.” The Neighbourhood Plan has been drafted with regard to the planning policies of Herefordshire Council, and the comprehensive evidence base that supports these policies.

Paragraph 184 also states that Neighbourhood Plans should “not promote less development than set out in the Local Plan or undermine its strategic policies”. The Breinton Neighbourhood Plan does not undermine the strategic policies of Herefordshire Council; the Plan aims to support these policies by protecting local built and natural heritage assets from inappropriate new development whilst at the same time seeking to manage future housing growth.

The Plan has regard to the twelve core planning principles set out within paragraph 17 of the Framework, as set out in Table 1 below:

Table 1 NPPF Core Planning Principles and the Breinton Submission Neighbourhood Development Plan

NPPF Core Planning Principle	Regard that Breinton Neighbourhood Plan has to guidance
<p>Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and Neighbourhood Plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.</p>	<p>The Parish Council has produced the Submission Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in shaping its policies and proposals through informal and formal consultation, the Plan will empower local people to shape their surroundings. The vision, objectives, policies and proposals in the Plan have been developed with a thorough approach to community engagement. The Plan sets out a positive vision for the area up to</p>

Breinton Regulation 16 Re-Submission Neighbourhood Development Plan – Basic Conditions Statement, February 2016

	2031 The Neighbourhood Plan sets out a number of development management policies (18 in total) to guide, control and promote future development.
Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.	The Submission Neighbourhood Plan offers the local community the opportunity to shape the future development of Breinton Parish in a creative way, ensuring that the quality of the place is enhanced by including policies which protect the rural landscape setting, and promote the enhancement of the landscape and the protection of key environmental assets in this rural area to the west of Hereford city whilst at the same time supporting local business (Veldifer) and countryside recreation. The Plan also includes a suite of policies to manage future housing development in settlements and the open countryside.
Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.	This Submission Neighbourhood Plan refines and amplifies Herefordshire-wide policies and proposals set out in Hereford’s UDP and emerging Core Strategy Local Plan policies. The Submission Neighbourhood Plan supports appropriate business and economic growth at Veldifer (Policy B18). The Plan also includes a suite of policies to manage future housing development in settlements and the open countryside. This includes a policy on rural exception housing that could help meet any need for local affordable housing (Policy B2).
Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.	The Submission Neighbourhood Plan sets out policies to protect and enhance local character and encourage high quality design in new development. These will ensure that amenity of existing and future residents is protected.
Planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic	The Submission Neighbourhood Plan takes regard of this guidance fully in plan-making and decision- taking. The Plan recognises the rural character of this sparsely populated rural area, including the area’s existing and potential role as

Breinton Regulation 16 Re-Submission Neighbourhood Development Plan – Basic Conditions Statement, February 2016

<p>character and beauty of the countryside and supporting thriving rural communities within it.</p>	<p>an accessible recreational area, providing opportunities for walking, cycling and quiet enjoyment of the countryside for Hereford’s residents.</p>
<p>Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).</p>	<p>The Submission Neighbourhood Plan includes policies to encourage the re-use of empty buildings (Policy B4), sustainable low-carbon design (Policy B6) and small scale renewable energy projects (Policy B8).</p>
<p>Planning should contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework.</p>	<p>The Submission Neighbourhood Plan is fully consistent with this principle.</p> <p>The Plan provides a policy framework for the protection and enhancement of this highly sensitive rural landscape.</p> <p>This includes policies to manage future housing and employment growth appropriately within the parish’s rural setting. Therefore housing growth and employment growth policies are balanced by the need to protect key environmental assets: the best and most versatile agricultural land (Policy B7); local greenspaces (Policy B9); green infrastructure (Policy B11); landscape (Policies B14 and B15); and public views (Policy B16).</p>
<p>Planning should encourage the effective use of land by reusing land that has been previously developed (Brownfield land), provided that it is not of high environmental value.</p>	<p>The Submission Plan encourages the re-use and sensitive conversion of empty buildings (Policy B4). Policy B1 the key policy for managing future housing growth seeks to ensure that previously developed land is developed before greenfield sites (criterion B1b).</p>
<p>Planning should promote mixed-use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage or food production).</p>	<p>The Submission Plan aims to protect the urban fringe from inappropriate and insensitive development, to ensure that the area continues to provide a high quality environment for the benefit of residents in the Hereford urban area. The Parish provides a valued recreational resource with walking and cycling routes providing direct access from the city to beautiful open countryside. Policy B10 protects key routes, including quiet lanes; Policy B11 a multi-functional green infrastructure network; and Policy B13 seeks to ensure Breinton remains an</p>

	important area for informal, outdoor recreation.
Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations	The Submission Neighbourhood Plan is fully in line with this principle. Policy B17 identifies and seeks to preserve a number of non-designated heritage assets by using a local list.
Planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable	The Submission Neighbourhood Plan seeks to promote the use of sustainable forms of transport through Policy B10 promoting walking and cycling.
Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural services to meet local needs	The Neighbourhood Plan is fully in accord with this principle. Policies in the plan safeguard and seek to improve open countryside and rural landscape setting and promote walking and cycling.

Have Special Regard to the Desirability of Preserving any Listed Building or it’s Setting or any Features of Special Architectural or Historic Interest

The Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish through Policy B17.

Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area

The Plan area has no Conservation Areas.

The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

The Neighbourhood Plan area includes on the southern boundary the River Wye Special Area of Conservation. The Breinton NDP has been subject to a screening for Strategic Environmental Assessment and Habitat Regulations Assessment. Both of these were prepared by Herefordshire Council and published for consultation with Natural England, Environment Agency and Historic England.

Responses were received from Natural England and Historic England. Natural England provided a number of detailed comments in relation to improving the SEA and its usefulness in assessing the Neighbourhood Plan. The comments are set out in the accompanying Consultation Statement for Breinton Neighbourhood Plan. Originally, Natural England advised that the SEA/HRA process be updated given the neighbourhood plan may progress ahead of the emerging Herefordshire Core Strategy. The Core Strategy is now adopted. However, this work has been updated by Herefordshire Council, see the accompanying Consultation Statement.

Contribute to the Achievement of Sustainable Development

The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development.

Paragraphs 6-10 of the National Planning Policy Framework outline the Government’s definition of sustainable development.

The UK Government’s interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs.’

The NPPF amplifies this simple definition, at paragraph 7, stating that sustainable development has three dimensions, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues:

- ❑ “an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ❑ a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well- being; and
- ❑ an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

Breinton Regulation 16 Re-Submission Neighbourhood Development Plan – Basic Conditions Statement, February 2016

In Paragraph 6, the NPPF states that “the policies in paragraphs 18-219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”.

Table 1 above gives a clear and comprehensive narrative of how the framework complies with the Core Planning Principles of the NPPF, and by corollary, the achievement of sustainable development.

Table 2 below summarises how the policies and allocations in the Submission Plan contribute to the economic, social and environmental aspects of sustainable development.

Table 2 Submission Plan’s contribution to the economic, social and environmental aspects of sustainable development.

Sustainable Development Role	Neighbourhood Development Plan’s Contribution
Economic	The Submission Neighbourhood Plan seeks to support appropriate local economic development which is sensitive to the rural landscape and setting of the Parish. The continued economic development at Veldifer is encouraged by Policy B18.
Social	<p>The plan protects local community facilities (Policy B8) and recognises through a number of policies the role of the landscape and countryside in supporting health and wellbeing of parish residents and visitors including those from nearby Hereford city.</p> <p>The Plan also supports local needs housing (Policy B2).</p>
Environmental	<p>The Submission Neighbourhood Plan sets out policies that protect local wildlife and biodiversity and protects rural landscapes.</p> <p>The Plan seeks to promote more sustainable transport patterns through walking and cycling and supporting environmental improvements, sustainable design and renewable and low carbon energy.</p> <p>Policies seek to promote the local distinctiveness of the area, and recognise the significance of locally important natural and built heritage assets to local residents, and visitors, as an important aspect of the</p>

	Parish's identity.
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Be in General Conformity with Strategic Local Planning Policy

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the Herefordshire Local Plan Core Strategy, and, where relevant, the saved Unitary Development Plan policies.

Planning Practice Guidance 2014 para 009 advises that “*Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its [Local Plan](#).*”

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the [basic condition](#). A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic policies contained in the Herefordshire Local Plan Core Strategy, and, where relevant any saved Unitary Development Plan policies.

Table 3 Conformity with Local Strategic Policy

<i>Breinton Neighbourhood Development Plan</i>	<i>Herefordshire Local Plan Core Strategy 2011 – 2031, adopted 2015.</i>
<p><u>POLICY B1 – HOUSING DEVELOPMENT IN THE DEFINED BREINTON SETTLEMENTS</u></p> <p>PROPORTIONATE HOUSING DEVELOPMENT WILL BE SUPPORTED WITHIN, OR ADJOINING, THE DEFINED RURAL SETTLEMENTS OF BREINTON COMMON (FIGURE 17) AND LOWER BREINTON (FIGURE 18) WHEN THE DEVELOPMENT:</p> <ul style="list-style-type: none"> a. IS APPROPRIATE IN SIZE, FORM, LAYOUT, CHARACTER, SETTING AND LOCATION TO THE PARTICULAR EXISTING SETTLEMENT AND DOES NOT LEAD TO SIGNIFICANT ENCROACHMENT IN TO OPEN COUNTRYSIDE. IN PARTICULAR, ISOLATED HOMES, DETACHED FROM THE NAMED SETTLEMENTS, IN THE OPEN COUNTRYSIDE, WILL NOT BE PERMITTED; b. MAKES THE MOST EFFECTIVE USE OF LAND BY REUSING PREVIOUSLY DEVELOPED LAND PROVIDED IT IS NOT OF HIGH ENVIRONMENTAL VALUE; c. USES LOWER GRADE AGRICULTURAL LAND AND NOT GRADE 1, GRADE 2 OR GRADE 3A 	<p>Policy RA1 of the Core Strategy Local Plan (CSLP) sets an approximate number of homes for the seven rural housing market areas (RHMA). The approximate number of dwellings for the Hereford RHMA is 1,870, an indicative growth target of 18%, 2011-2031. This target will be used as the basis for the production of neighbourhood development plans. Local evidence and environmental factors will determine the appropriate scale of development.</p> <p>The BNDP has used the indicative target in Policy RA1 to inform the preparation of the plan alongside local evidence and environmental factors (section 4 of the plan). Policy B1 of the BNDP is in general conformity with Policy RA1.</p> <p>Policy RA2 sets the policy for housing in rural settlements. Figure 4.14 identifies a number of settlements that will be the main focus of “proportionate housing development”. Breinton parish does not include any of these named settlements. Breinton is identified, in Figure 4.15, as an “other settlement where proportionate housing is appropriate”.</p> <p>The minimum indicative growth target set out in Policy RA1 will be used to “inform the level of housing development in the settlements in Figures 4.14 and 4.15. And in seeking to address this target neighbourhood plans will allocate sites or otherwise demonstrate delivery to meet the target by indicating levels of suitable and available capacity. To address this latter issue a separate capacity study has been completed as part of the plan’s evidence base.</p> <p>The BNDP has done this by identifying settlement boundaries for Breinton Common and Lower Breinton. Development will be supported within these boundaries and adjoin these boundaries when it meets the criteria in Policy B1 and does not have an adverse impact on the significant environmental factors identified in the parish. Policy B1 of the BNDP is in general conformity with Policy RA2.</p>

<p>LAND WHERE POSSIBLE (SEE ALSO POLICY B7);</p> <p>d. ENHANCES THE CHARACTER OF THE AREA;</p> <p>e. IS OF HIGH QUALITY, SUSTAINABLE DESIGN APPROPRIATE TO ITS CONTEXT AND MAKES A POSITIVE CONTRIBUTION TO THE SURROUNDING ENVIRONMENT AND RURAL LANDSCAPE AND INCLUDES PLANTING OF NATIVE TREE SPECIES AND PROVIDES ROOSTING AND NESTING OPPORTUNITIES FOR WILDLIFE;</p> <p>f. DOES NOT LEAD TO LOSS OF COMMUNITY FACILITIES, DESIGNATED LOCAL GREEN SPACE OR EMPLOYMENT OPPORTUNITIES;</p> <p>g. IS NOT AT RISK OF FLOODING FROM ANY SOURCE OR LEAD TO INCREASED FLOOD RISK ELSEWHERE;</p> <p>h. IT DOES NOT HAVE A SIGNIFICANTLY ADVERSE EFFECT ON THE RIVER WYE SPECIAL AREA OF CONSERVATION (SAC). IF SUCH EFFECTS ARE IDENTIFIED THEY MUST BE SUITABLY MITIGATED. IN PARTICULAR, DEVELOPMENT WILL ONLY BE PERMITTED WHEN IT CAN BE CLEARLY DEMONSTRATED BY THE APPLICANT THAT IT WOULD NOT COMPROMISE THE ABILITY OF THE RIVER WYE SAC NUTRIENT MANAGEMENT PLAN TO REDUCE OVERALL NUTRIENT LEVELS</p>	
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<p>ALONG STRETCHES OF THE RIVER WYE THAT EXCEED, OR ARE AT THE RISK OF EXCEEDING, WATER QUALITY TARGETS; AND</p> <p>i. THE DEVELOPMENT CAN BE CONNECTED TO A MAIN SEWER OF ADEQUATE CAPACITY TO REMOVE EFFLUENT FROM THE DEVELOPMENT TO A TREATMENT WORKS, OR TO HAVE SUITABLE TREATMENT ON SITE TO MEET MINIMUM STANDARDS REQUIRED.</p>	
<p>POLICY B2 – KINGS ACRE ROAD</p> <p>WITHIN THE AREA OF KINGS ACRE ROAD, IDENTIFIED ON FIGURE 19, NEW HOUSING DEVELOPMENT WILL BE SUPPORTED WHEN:</p> <p>a. IT WOULD MAINTAIN, OR PROVIDE, SUITABLE ALTERNATIVE ACCESS POINTS, SUCH AS FIELD GATES, STILES AND FOOTPATHS. THE INCORPORATION OF SUCH FEATURES IN TO AN OVERALL SCHEME SHOULD MAINTAIN VIEWS OF THE SURROUNDING LANDSCAPE AND SHOULD BE DESIGNED TO HAVE NATURAL SURVEILLANCE FROM SURROUNDING USES; AND</p> <p>b. IT WOULD NOT HAVE A SIGNIFICANTLY ADVERSE EFFECT ON THE RIVER WYE SPECIAL AREA OF CONSERVATION (SAC). IF</p>	<p>Kings Acre Road is a finger of “ribbon development” sitting within the open countryside. Being “ribbon development”, this area is not identified as a settlement under Policy RA2 of the Core Strategy.</p> <p>Policy B2 seeks to manage any further development in this area in a very sensitive way so as to retain the last few remaining gaps in the Kings Acre Road frontage; to retain brief glimpses of the countryside beyond; to limit any further westward expansion of ribbon development and any further southward encroachment on to open countryside, that would not be sustainable.</p> <p>This approach is consistent with Policies RA2 and RA3 of the Core Strategy.</p>

<p>SUCH EFFECTS ARE IDENTIFIED THEY MUST BE SUITABLY MITIGATED. IN PARTICULAR, DEVELOPMENT WILL ONLY BE PERMITTED WHEN IT CAN BE CLEARLY DEMONSTRATED BY THE APPLICANT THAT IT WOULD NOT COMPROMISE THE ABILITY OF THE RIVER WYE SAC NUTRIENT MANAGEMENT PLAN TO REDUCE OVERALL NUTRIENT LEVELS ALONG STRETCHES OF THE RIVER WYE THAT EXCEED, OR ARE AT THE RISK OF EXCEEDING, WATER QUALITY TARGETS.</p>	
<p><u>POLICY B3 – HOUSING IN THE COUNTRYSIDE AND RURAL EXCEPTION SITES</u></p> <p>NEW HOUSING DEVELOPMENT IN THE OPEN COUNTRYSIDE, THE AREA OF THE PARISH OUTSIDE OF THOSE AREAS COVERED BY POLICIES B1 AND B2, WILL ONLY BE PERMITTED WHERE IT MEETS POLICY RA3 OF THE CORE STRATEGY. IN A LIMITED NUMBER OF CASES DURING THE PLAN PERIOD PROPOSALS FOR SMALL (GENERALLY 3 UNITS OR LESS) AFFORDABLE HOUSING SCHEMES MAY BE CONSIDERED ACCEPTABLE ON LAND NOT NORMALLY CONSIDERED SUITABLE FOR HOUSING DEVELOPMENT WHEN THE PROPOSAL MEETS A PROVEN NEED FOR AFFORDABLE HOUSING ARISING IN THE PARISH AND:</p> <p>THE AFFORDABLE HOUSING PROVIDED IS MADE</p>	<p>Policy B3 only allows for development in the countryside when it meets the criteria in Policy RA3 of the Core Strategy. Rural exception housing will be acceptable on small sites, this reflects the nature and character of the settlements and local characteristics of Breinton parish. This approach is in “general conformity” with the Core Strategy.</p>

<p>AVAILABLE TO, AND RETAINED IN PERPETUITY FOR LOCAL PEOPLE IN NEED OF AFFORDABLE HOUSING;</p> <p>THE PROPOSAL HAS MINIMAL IMPACT ON THE HISTORIC AND NATURAL CHARACTERISTICS OF THE SURROUNDING LOCAL AREA;</p> <p>THE PROPOSAL ACHIEVES AN APPROPRIATE DENSITY THAT REFLECTS THE RURAL SETTLEMENT PATTERN WHILST MAKING EFFICIENT USE OF LAND TO AVOID UNACCEPTABLE ENCROACHMENT INTO OPEN COUNTRYSIDE;</p> <p>REASONABLE ACCESS CAN BE MADE TO A RANGE OF SERVICES AND FACILITIES; AND</p> <p>NOT HAVE A SIGNIFICANTLY ADVERSE EFFECT ON THE RIVER WYE SPECIAL AREA OF CONSERVATION (SAC). IF SUCH EFFECTS ARE IDENTIFIED THEY MUST BE SUITABLY MITIGATED. IN PARTICULAR, DEVELOPMENT WILL ONLY BE PERMITTED WHEN IT CAN BE CLEARLY DEMONSTRATED BY THE APPLICANT THAT IT WOULD NOT COMPROMISE THE ABILITY OF THE RIVER WYE SAC NUTRIENT MANAGEMENT PLAN TO REDUCE OVERALL NUTRIENT LEVELS ALONG STRETCHES OF THE RIVER WYE THAT EXCEED, OR ARE AT THE RISK OF EXCEEDING, WATER QUALITY TARGETS.</p> <p>ALL PROPOSALS FOR NEW HOUSING DEVELOPMENT WILL HAVE TO DEMONSTRATE HOW THEY</p>	
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<p>CONTRIBUTE TO MAINTAINING A MIX OF TENURES, TYPES AND SIZE OF DWELLING IN THE PARISH.</p>	
<p><u>POLICY B4 – RE-USE OF EMPTY BUILDINGS FOR HOUSING</u></p> <p>THE RE-USE OF EMPTY BUILDINGS FOR HOUSING WILL BE SUPPORTED WHEN THEY MEET ALL OF THE FOLLOWING CRITERIA:</p> <p>THE BUILDINGS ARE GENUINELY NO LONGER NEEDED FOR THEIR PREVIOUS USE;</p> <p>THE BUILDINGS ARE OF SUBSTANTIAL CONSTRUCTION AND CAN BE RE-USED WITHOUT SIGNIFICANT REBUILDING, ALTERATION OR EXTENSION;</p> <p>ANY EXTERNAL ALTERATIONS ARE IN KEEPING WITH THE RURAL CHARACTER OF THE AREA;</p> <p>PROPOSALS CAN USE EXISTING ACCESS, ROADS, PATHS AND OTHER ROUTES WITHOUT SIGNIFICANT ALTERATION OR NEW DEVELOPMENT;</p> <p>PROPOSALS DO NOT HARM THE AMENITY OF EXISTING AND FUTURE OCCUPIERS; AND</p> <p>PROPOSALS HAVE NO ADVERSE IMPACT ON THE LANDSCAPE.</p> <p>PROPOSALS TO RE-USE EXISTING BUILDINGS FOR NEW OR IMPROVED COMMUNITY ASSETS AS WELL</p>	<p>Policy RA5 of the Core Strategy allows for the re-use of rural buildings. Policy B4 sets detailed local criteria of how such development will be assessed. This policy is in general conformity with Policy RA5.</p>

<p>AS MEETING CRITERIA (a) to (f) SHOULD ALSO BE IN SUSTAINABLE LOCATIONS OFFERING USERS ACCESS BY A RANGE OF MODES OF TRANSPORT, INCLUDING WALKING.</p>	
<p><u>POLICY B5 – ENSURING AN APPROPRIATE RANGE OF TENURES, TYPES AND SIZES OF HOUSES</u></p> <p>ALL PROPOSALS FOR NEW HOUSING DEVELOPMENT WILL HAVE TO DEMONSTRATE HOW THEY CONTRIBUTE TO ACHIEVING AND MAINTAINING AN APPROPRIATE MIX OF TENURES, TYPES AND SIZE OF DWELLING IN THE PARISH, INCLUDING LIFETIME HOMES.</p> <p>SITES OF MORE THAN THREE HOMES THAT INCLUDE AFFORDABLE HOUSING SHOULD INTEGRATE THESE HOUSES AND MARKET HOUSING ACROSS A SITE. DEVELOPMENT THAT LEADS TO CONCENTRATIONS OF DIFFERENT TYPES AND TENURES OF HOMES IN SEPARATE GROUPS ON A SITE WILL NOT BE PERMITTED.</p>	<p>Core Strategy Policy H3 seeks to encourage a range and mix of housing units, but especially on larger sites. Policy B5 has the same objective, but seeks to translate this to the local circumstances of Breinton parish. Policy B5 is in general conformity with the Core Strategy.</p>
<p><u>POLICY B6 – SUSTAINABLE DESIGN AND ENERGY EFFICIENCY</u></p> <p>IN ADDITION TO THE REQUIREMENTS OF CORE STRATEGY POLICY SD1 ALL NEW DEVELOPMENT PROPOSALS IN BREINTON PARISH WILL BE EXPECTED TO:</p> <p>a. ACHIEVE AN APPROPRIATE DENSITY THAT REFLECTS THE RURAL SETTLEMENT PATTERN</p>	<p>Policy SD1 of the Core Strategy seeks to encourage sustainable design and energy efficiency. Policy B6 of the BNDP adds local specific criteria to be taken in to account when assessing development proposals. This policy is in general conformity with SD1.</p>

<p>WHILST MAKING EFFICIENT USE OF LAND TO AVOID UNACCEPTABLE ENCROACHMENT INTO OPEN COUNTRYSIDE;</p> <p>b. PRESERVE AND ENHANCE LOCAL DISTINCTIVENESS BY RESPONDING SYMPATHETICALLY TO THE HISTORIC AND NATURAL CHARACTERISTICS OF THESE AREAS; AND</p> <p>c. INCLUDE FEATURES THAT CAN CLEARLY DEMONSTRATE THE PROPOSAL MEETS, OR EXCEEDS, THE SUSTAINABLE DESIGN STANDARD FOR THAT PARTICULAR TYPE OF DEVELOPMENT PREVAILING AT THE TIME.</p>	
<p><u>POLICY B7 – PROTECTING THE BEST AND MOST VERSATILE AGRICULTURAL LAND, SOILS AND PROMOTING AGRICULTURAL DEVELOPMENT THAT PROTECTS THE ENVIRONMENT AND PRESERVES THE DISTINCTIVE RURAL LANDSCAPE</u></p> <p>DEVELOPMENT LEADING TO THE LOSS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND (LAND IN GRADES 1, 2 AND 3A OF THE AGRICULTURAL LAND CLASSIFICATION), AND SOIL RESOURCES SHOULD BE AVOIDED IN FAVOUR OF POORER QUALITY LAND. DEVELOPMENT OF SIGNIFICANT AREAS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND WILL ONLY BE PERMITTED WHEN:</p> <p>a. POORER QUALITY LAND IS NOT AVAILABLE</p>	<p>Policy SS6 of the Core Strategy seeks to protect environmental quality including agricultural land and soils.</p> <p>Policy B7 has had due regard to this policy and is in general conformity.</p>

<p>FOR THAT DEVELOPMENT ELSEWHERE;</p> <p>b. THE ECONOMIC BENEFITS OF THE PROPOSED DEVELOPMENT CLEARLY OUTWEIGHT THE ECONOMIC BENEFITS OF RETAINING THE LAND OPEN. THIS INCLUDES ANY IMPACT ANY LOSS OF SUCH LAND WOULD HAVE ON THE VIABILITY OF INDIVIDUAL AGRICULTURAL HOLDINGS; AND</p> <p>c. THE LAND PERFORMS NO OTHER BENEFIT, AS IDENTIFIED IN THE OTHER POLICIES OF THIS NEIGHBOURHOOD PLAN, INCLUDING IN TERMS OF THE LANDSCAPE, BIODIVERSITY, FLOODPLAIN, SETTING OF BUILDINGS AND SETTLEMENTS.</p> <p>AGRICULTURAL DEVELOPMENT REQUIRING PLANNING PERMISSION SHOULD PROTECT THE ENVIRONMENT AND MAKE A POSITIVE CONTRIBUTION TO PRESERVING THE DISTINCTIVE RURAL LANDSCAPE.</p>	
<p><u>POLICY B8 – PROTECTING AND DEVELOPING EXISTING COMMUNITY ASSETS AND INFRASTRUCTURE</u></p> <p>THE VILLAGE HALL AND CHURCH WILL BE PROTECTED. DEVELOPMENT OF THESE ASSETS FOR NON-COMMUNITY USES WILL ONLY BE PERMITTED WHEN:</p>	<p>Policy SC1 of the Core Strategy seeks to protect, retain and enhance existing community facilities. It also encourages provision of new facilities.</p> <p>Policy B8 has been prepared to taking account this policy and is in general conformity.</p>

<p>a. AN ALTERNATIVE SITE OR BUILDING IS PROVIDED OF EQUAL OR GREATER COMMUNITY VALUE THAN THE FACILITY TO BE REPLACED; AND</p> <p>b. THE ASSET TO BE REPLACED HAS BEEN UNUSED FOR A SIGNIFICANT PERIOD OF TIME (MORE THAN 12 MONTHS), MARKETED TO FIND ANOTHER USE, AND IS NOT SUBJECT TO THE COMMUNITY RIGHT TO BID PROCESS.</p> <p>IN ADDITION, TRADITIONAL SIGNPOSTS, MILE STONES/MARKERS AND PARISH BOUNDARY STONES SHOULD BE RETAINED.</p>	
<p><u>POLICY B9 – PROTECTING DESIGNATED LOCAL GREEN SPACE</u></p> <p>THE FOLLOWING DESIGNATED LOCAL GREEN SPACES WILL BE PROTECTED:</p> <p>FIGURE 20a – northern Breinton</p> <ul style="list-style-type: none"> • DROVERS WOOD (Woodland Trust); • WYEVALE WOOD (Herefordshire Wildlife Trust); AND • THE ANCIENT GREEN LANE FROM THE EASTERN PARISH BOUNDARY TO BREINTON LANE AT CRANSTONE. <p>FIGURE 20b – southern Breinton</p>	<p>The Core Strategy as a strategic document has no policy relevant to the national designation of local green spaces found in NPPF. In seeking to protect local spaces the BNDP does not undermine emerging strategic planning policy as set out in the Core Strategy.</p>

<ul style="list-style-type: none"> • GREENBANK MEADOW (Queen Elizabeth II Diamond Jubilee Field in trust managed by the Herefordshire Wildlife Trust); • BREINTON SPRINGS INCLUDING BREINTON WOOD (National Trust); AND • THE FOOTPATH ROUTE FOLLOWED BY THE WYE VALLEY WALK (National Trust/Long Distance Route) – FOR THIS ROUTE SEE FIGURE 1. <p>DEVELOPMENT OF THESE SITES WILL ONLY BE CONSIDERED APPROPRIATE WHERE IT IS CONSISTENT WITH NATIONAL GREEN BELT POLICY. INAPPROPRIATE DEVELOPMENT AFFECTING THESE SITES WILL ONLY BE PERMITTED IN VERY SPECIAL CIRCUMSTANCES. THAT IS WHEN HARM TO THE LOCAL GREEN SPACE AND ANY OTHER HARM IS CLEARLY OUTWEIGHED BY OTHER CONSIDERATIONS.</p> <p>DEVELOPMENT PROPOSALS THAT AFFECT THE SETTING, TRANQUILITY AND LANDSCAPE VALUE OF THESE LOCAL GREEN SPACES SHOULD AVOID, OR INCLUDE SUCH MITIGATION TO AVOID, ANY SIGNIFICANT ADVERSE IMPACT.</p>	
<p><u>POLICY B10 – MOVING AROUND BREINTON</u></p> <p>THE EXISTING ROUTES SHOWN ON FIGURE 1,</p>	<p>Core Strategy Policy SS4 sets out the strategic principles for movement and transport. Policy B10 is in general conformity with these.</p>

<p>EXCLUDING THE A438, WILL BE PROTECTED AS QUIET LANES.</p> <p>DEVELOPMENT PROPOSALS AFFECTING THESE ROUTES WILL BE EXPECTED TO DEMONSTRATE THE FOLLOWING:</p> <ul style="list-style-type: none">a. THE NEEDS OF ROUTE USERS HAVE BEEN TAKEN IN TO ACCOUNT IN THE DESIGN OF THE DEVELOPMENT;b. VIEWS INTO AND OUT OF THE ROUTE HAVE BEEN INCORPORATED AS PART OF THE DESIGN; ANDc. EXISTING ACCESS POINTS ARE RETAINED, IMPROVED OR RE-SITED TO THE BENEFIT OF THE USERS OF THE ROUTE. <p>PROPOSALS FOR NEW ROADS, SUCH AS THE HEREFORD RELIEF ROAD, SHOULD BE ROUTED CAREFULLY TO INTEGRATE SYMPATHETICALLY WITH THE NATURAL LANDSCAPE CHARACTER OF THIS SENSITIVE RURAL AREA, TO TAKE ACCOUNT OF LOCAL TOPOGRAPHY AND SKYLINES AND BE DESIGNED AND SITED TO AVOID ENCOURAGEMENT OF “RAT RUNNING”. THE FOLLOWING WILL BE USED WHEN ASSESSING ROAD PROPOSALS:</p> <ul style="list-style-type: none">d. ANY ARTIFICIAL LIGHTING SHOULD BE MINIMISED. WHERE PROVISION OF HIGHWAY LIGHTING IS CONSIDERED ESSENTIAL, LIGHTING	
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<p>SHOULD BE DESIGNED THROUGH USE OF APPROPRIATE LUMINOSITY AND DIRECTION OF LIGHTFLOW TO HAVE A LOW IMPACT ON THE SURROUNDING LANDSCAPE AND HOUSING, AND SHOULD NOT LEAK UNNECESSARY LIGHT INTO THE NIGHT SKY;</p> <p>e. ANY NEW ROADS SHOULD BE PART OF A HIGH QUALITY LANDSCAPING SCHEME INVOLVING SHORT-TERM AND LONG TERM PLANTING USING INDIGENOUS AND LOCALLY APPROPRIATE TREE AND SHRUB SPECIES TO PROVIDE SCREENING AND SOUND AND VISUAL BARRIERS;</p> <p>f. SUITABLE ROAD SURFACE MATERIALS SHOULD BE USED TO REDUCE NOISE IMPACTS, AND ARTIFICIAL EARTH BUNDING WILL BE ENCOURAGED TO REDUCE NOISE AND IMPROVE VISUAL AMENITY;</p> <p>g. WILDLIFE CORRIDORS SHOULD BE PROVIDED WHERE THE GREEN INFRASTRUCTURE NETWORK IDENTIFIED IN FIGURE 6 IS TRUNCATED OR SEVERED, THROUGH THE PROVISION OF</p>	
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<p>UNDERPASSES, BRIDGES, ETC.;</p> <p>h. ROADS SHOULD INCLUDE PROVISION OF APPROPRIATE WATER MANAGEMENT AND STORAGE TO MINIMISE RUN-OFF AND WATER-BORNE POLLUTION INTO NEIGHBOURING FIELDS AND PROPERTIES, AND, IN PARTICULAR, THE RIVER WYE SAC WHERE WATER QUALITY MUST NOT BE ADVERSELY IMPACTED;</p> <p>i. ROADS SHOULD RETAIN CROSSING POINTS FOR PUBLIC RIGHTS OF WAY VIA FOOTBRIDGES OR OTHER MEANS WHICH ARE OF A HIGH QUALITY DESIGN, SITED APPROPRIATELY, MAXIMISE USER SAFETY AND ENCOURAGE INCREASED USE OF THE PUBLIC RIGHTS OF WAY;</p> <p>j. CONTINUED USAGE FOR LANDOWNERS AND FARMERS IS A PRIORITY, PARTICULARLY WHERE LAND HOLDINGS ARE AFFECTED BY SEVERANCE. AREAS OF LAND THAT ANY NEW ROAD MAKES UNECONOMIC TO BE RETURNED TO THEIR PREVIOUS USE SHOULD BE RE-USED FOR PUBLIC OPEN SPACE,</p>	
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<p>COMMUNITY ORCHARDS, ALLOTMENTS, PLAY GROUNDS OR SPORTS FIELDS IN PARTIAL COMPENSATION FOR THE ROAD;</p> <p>k. EXISTING LOCAL LANES AND OTHER PUBLIC RIGHTS OF WAY SHOULD NOT BE SEVERED IF AT ALL POSSIBLE. THESE INCLUDE IMPORTANT TOURIST ROUTES SUCH AS THE WYE VALLEY WAY AND THE HEREFORD LEISURE CYCLE ROUTE 2004. EVERY EFFORT SHOULD BE MADE TO MAINTAIN THE EXISTING LINKS BETWEEN THE SCATTERED FARMSTEADS AND HAMLETS AND THE RESIDENTS WITHIN THEM AND THE FEW EXISTING COMMUNITY FACILITIES SUCH AS THE PARISH CHURCH AND VILLAGE HALL;</p> <p>l. PROPOSALS FOR INTRODUCING QUIET LANES, TRAFFIC CALMING AND MAXIMUM SPEED LIMITS OF 20MPH WILL BE SUPPORTED IN PRINCIPLE ON ALL ROUTES THROUGH THE PARISH TO DISCOURAGE INCREASES IN TRAFFIC, PARTICULARLY HEAVY TRAFFIC, AS A RESULT OF THE COMPLETION OF ANY NEW ROAD;</p>	
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<p>m. OPPORTUNITIES FOR IMPROVING PROVISION FOR WALKING, RUNNING, CYCLING AND HORSE RIDING AND PUBLIC TRANSPORT SERVICES WILL BE ENCOURAGED WHEREVER POSSIBLE SO THAT ANY ROAD IS ACCESSIBLE BY, AND FACILTATES, A GENUINE CHOICE OF MODES OF TRAVEL;</p> <p>n. PROPOSALS SHOULD MINIMISE THE LOSS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND USED FOR ANY PROPOSED ROAD OR CONSTRUCTION ACTIVITY ASSOCIATED WITH IT. LAND USED DURING CONSTRUCTION BUT NOT NEEDED ONCE ANY ROAD IS COMPLETED SHOULD BE RETURNED TO ITS ORIGINAL STATE; AND</p> <p>o. ANY ROAD SHOULD BE DESIGNED AND DEVELOPED IN SUCH A WAY WHICH AVOIDS AND MITIGATES ADVERSE IMPACTS AND PHYSICAL DAMAGE TO, OR LOSS OF, HABITATS, NOISE POLLUTION AND VIBRATION, LIGHT POLLUTION, AIR POLLUTION, FLOOD RISK AND WATER QUALITY IN THE RIVER WYE SAC AS WELL AS RESIDENTIAL</p>	
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<p>AMENITY AND BUSINESS INTERESTS. CONSIDERATION OF THE IMPACT OF ANY ROAD ON HERITAGE ASSETS, THEIR SIGNIFICANCE AND SETTING (INCLUDING THE RIVER WYE SAC) AS WELL AS THE HISTORIC CHARACTER OF THE WIDER LANDSCAPE WILL ALSO BE REQUIRED.</p>	
<p><u>POLICY B11 – GREEN INFRASTRUCTURE</u></p> <p>THE GREEN INFRASTRUCTURE NETWORK IDENTIFIED ON FIGURE 6 WILL BE PROTECTED AND ENHANCED.</p> <p>DEVELOPMENT PROPOSALS WILL ONLY BE PERMITTED WHEN IT CAN BE DEMONSTRATED THEY HAVE TAKEN ACCOUNT OF THIS IDENTIFIED GREEN INFRASTRUCTURE NETWORK, AND WHERE POSSIBLE SOUGHT TO ENHANCE AND EXTEND THIS NETWORK. PROPOSALS SHOULD ALSO, WHERE POSSIBLE, INCLUDE ECOLOGICAL ENHANCEMENTS, FOR EXAMPLE FOR ROOSTING AND NESTING AND BY USING NATIVE SPECIES IN ANY PLANTING.</p> <p>DEVELOPMENT PROPOSALS LEADING TO LOSS OR BREAKS IN THIS NETWORK OF GREEN INFRASTRUCTURE WILL NOT BE PERMITTED, EXCEPT WHERE REPLACEMENT OF A SMALL AREA OF BIODIVERSITY POOR HABITAT (SUCH AS A SPECIES-POOR HEDGE) IS UNAVOIDABLE. IN SUCH CASES MITIGATION OR COMPENSATION SHOULD BE PROVIDED ELSEWHERE IN THE NEIGHBOURHOOD</p>	<p>Core Strategy Policy LD3 seeks to ensure development proposals protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the listed objectives. Policy B11 is in accordance with this policy.</p>

<p>PLAN AREA.</p>	
<p><u>POLICY B12 - SMALL SCALE RENEWABLE AND LOW CARBON ENERGY SCHEMES</u></p> <p>SMALL SCALE RENEWABLE OR LOW CARBON ENERGY DEVELOPMENTS TO SERVE INDIVIDUAL PROPERTIES, OR SMALL GROUPS OF PROPERTIES, WILL BE PERMITTED WHEN:</p> <ul style="list-style-type: none"> a. THE IMPACT OF THE ENERGY GENERATING INFRASTRUCTURE EITHER INDIVIDUALLY, OR CUMULATIVELY, DOES NOT HAVE AN ADVERSE IMPACT ON THE OPEN COUNTRYSIDE OR LANDSCAPE; b. THE ENERGY GENERATING INFRASTRUCTURE IS LOCATED AS CLOSE AS PRACTICABLE, AND IS IN PROPORTION TO THE SCALE OF THE EXISTING BUILDINGS, OR PROPOSED DEVELOPMENT, IT IS INTENDED TO SERVE; c. THE SITING, SCALE AND DESIGN OF THE ENERGY GENERATING INFRASTRUCTURE DOES NOT COMPROMISE PUBLIC SAFETY AND ALLOWS CONTINUED SAFE USE OF PUBLIC RIGHTS OF WAY; d. ADJOINING USES ARE NOT ADVERSELY AFFECTED IN TERMS OF NOISE, VIBRATION, 	<p>Core Strategy Policy SS7 promotes the use of decentralised renewable energy projects.</p> <p>Policy SD2 promotes the use of renewables and low carbon energy.</p> <p>Policy B12 is in line with the approach set out in the Core Strategy.</p>

<p>ELECTROMAGNETIC OR OTHER TYPES OF INTERFERENCE;</p> <p>e. WHERE APPROPRIATE, THE ENERGY GENERATING INFRASTRUCTURE AND ITS INSTALLATION COMPLIES WITH THE MICRO GENERATION CERTIFICATION SCHEME; AND</p> <p>f. A SCHEME IS AGREED WITH THE LOCAL PLANNING AUTHORITY TO REMOVE THE ENERGY GENERATING INFRASTRUCTURE AS SOON AS REASONABLY PRACTICABLE ONCE IT IS NO LONGER USED FOR ENERGY GENERATION BEFORE RETURNING THE AREA TO ITS ORIGINAL STATE.</p>	
<p><u>POLICY B13 – COUNTRYSIDE RECREATION</u></p> <p>TO ENSURE BREINTON CONTINUES TO ACT AS AN IMPORTANT AREA FOR INFORMAL, OUTDOOR COUNTRYSIDE RECREATION AND TOURISM, DEVELOPMENT APPROPRIATE TO A TRANQUIL RURAL AREA, INCLUDING THE FOLLOWING, WILL BE ENCOURAGED:</p> <p>a. NEW AND IMPROVED ACCESS POINTS AND RECREATION ROUTES;</p> <p>b. APPROPRIATE SIGNAGE; AND</p> <p>c. RE-USE OR CONVERSION OF EXISTING BUILDINGS FOR OUTDOOR RECREATION AND TOURISM-RELATED USES APPROPRIATE</p>	<p>The Core Strategy has no policy for countryside recreation. This is considered to be a local matter that does not undermine strategic planning policy.</p>

<p>TO THE TRANQUIL AND UNPOLLUTED OPEN COUNTRYSIDE.</p>	
<p><u>POLICY B14 - PROTECTING THE LANDSCAPE</u></p> <p>ALL DEVELOPMENT PROPOSALS WILL BE EXPECTED TO PROVIDE DETAILED LANDSCAPE IMPACT ANALYSIS AND TO DEMONSTRATE HOW PROPOSALS HAVE BEEN DESIGNED TO ENHANCE LOCAL LANDSCAPE CHARACTER AND REDUCE POTENTIAL URBANISATION OF THIS SENSITIVE RURAL AREA.</p> <p>DEVELOPMENT SHOULD BE DESIGNED TO TAKE ACCOUNT OF LOCAL TOPOGRAPHY AND SHOULD NOT BREAK THE SKYLINE. DEVELOPMENTS SHOULD BE OF A SMALL SCALE AND NEW BUILDINGS OR STRUCTURES SHOULD BE OF A HEIGHT, SCALE AND MASSING APPROPRIATE TO THE RURAL CHARACTER OF THE PARISH.</p>	<p>Core Strategy Policy SS6 seeks to conserve and enhance important environmental assets including landscape.</p> <p>Core Strategy Policy LD1 seeks to ensure new development has had appropriate regard to the local landscape.</p> <p>A number of other policies identify landscape as an important criterion in assessing proposals. Policy B14 is entirely consistent with the approach in the Core Strategy.</p>
<p><u>POLICY B15 - LOCAL DISTINCTIVENESS</u></p> <p>ALL NEW DEVELOPMENT PROPOSALS WILL BE REQUIRED TO DEMONSTRATE CONSIDERATION OF THE FOLLOWING LANDSCAPE DESIGN PRINCIPLES:</p> <p>a. DEVELOPMENT PROPOSALS SHOULD SEEK TO CONSERVE OR ENHANCE THE CHARACTER OF THE HAMLETS AND FARMSTEADS ESPECIALLY THOSE WITH BUILDINGS OF STATUTORY AND NON-STATUTORY HERITAGE VALUE. THE DEMOLITION OF BUILDINGS AND</p>	<p>Core Strategy Policy SS6 seeks to conserve and enhance important environmental assets including landscape.</p> <p>Core Strategy Policy LD1 seeks to ensure new development has had appropriate regard to the local landscape.</p> <p>A number of other policies identify landscape as an important criterion in assessing proposals. Policy B14 is entirely consistent with the approach in the Core Strategy.</p>

<p>STRUCTURES THAT CONTRIBUTE TO THE CHARACTER AND APPEARANCE OF THESE AREAS WILL BE RESISTED;</p> <p>b. LOCAL HABITATS SHOULD BE PRESERVED AND ENHANCED AND WILDLIFE CONSERVED;</p> <p>c. VETERAN, MATURE AND ESTABLISHED TREES SHOULD BE PROTECTED AND INCORPORATED INTO LANDSCAPING SCHEMES WHEREVER POSSIBLE. THE PLANTING OF LOCAL SPECIES WILL BE ENCOURAGED. SPECIES SHOULD BE APPROPRIATE TO THE LOCATION AND SETTING IN TERMS OF TYPE, HEIGHT, DENSITY AND THE NEED FOR ON-GOING MANAGEMENT. WHEN CONSTRUCTING BOUNDARIES NATIVE TREE SPECIES SHOULD BE USED. EXISTING HEDGEROWS SHOULD BE RETAINED AND THE ESTABLISHMENT OF NEW NATIVE HEDGES IS ENCOURAGED. ANCIENT WOODLAND ALONG THE RIVER CLIFF AND AT WYEVALE WOOD (AS SHOWN ON DEFRA'S MAGIC MAPS) MUST NOT BE DISTURBED;</p> <p>d. NO DEVELOPMENT WILL BE PERMITTED ON TRADITIONAL LOCAL ORCHARDS (AS LISTED ON THE PEOPLE'S TRUST ENDANGERED SPECIES ORCHARD INVENTORY AND/OR ARE PRIORITY HABITATS). DEVELOPMENT WHICH INVOLVES THE REMOVAL OF SUCH ORCHARDS WILL BE RESISTED UNLESS</p>	
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<p>DEVELOPERS CAN DEMONSTRATE THAT THE LOSS OF THE ORCHARDS WILL NOT REDUCE THE ENVIRONMENTAL BIODIVERSITY OR BE DETRIMENTAL BY CAUSING LOSS OF WILDLIFE HABITAT. WHERE ORCHARDS ARE LOST AS A RESULT OF NEW DEVELOPMENT PROPOSALS, DEVELOPERS WILL BE EXPECTED TO INCLUDE AN EQUIVALENT RANGE OF VARIETAL FRUIT SPECIES TRADITIONAL TO THE LOCAL AREA IN LANDSCAPING SCHEMES OF AT LEAST EQUIVALENT SIZE TO THAT WHICH WILL BE LOST;</p> <p>e. NEW DEVELOPMENT MUST TAKE ACCOUNT OF KNOWN SURFACE AND SUB-SURFACE ARCHAEOLOGY (FIGURES 3, 10 AND 11), AND ENSURE UNKNOWN AND POTENTIALLY SIGNIFICANT DEPOSITS ARE IDENTIFIED AND APPROPRIATELY CONSIDERED DURING DEVELOPMENT. LACK OF CURRENT EVIDENCE OF SUB-SURFACE ARCHAEOLOGY MUST NOT BE TAKEN AS PROOF OF ABSENCE; AND</p> <p>f. ALL NEW DEVELOPMENT MUST INCORPORATE SUSTAINABLE URBAN DRAINAGE SYSTEMS (SUDS) WHICH AS A MINIMUM ARE FULLY COMPLIANT WITH THE MOST RECENTLY ADOPTED NATIONAL AND LOCAL STANDARDS AND PREFERABLY EXCEED THEM.</p>	
<p>POLICY B16 – PROTECTING IMPORTANT PUBLIC</p>	<p>The Core Strategy has no policy on views. Policy B16 does not undermine the strategic policies</p>

<p><u>VIEWS</u></p> <p>THE FOLLOWING VIEWS (FIGURE 15) WILL BE PROTECTED FROM INAPPROPRIATE DEVELOPMENT:</p> <ul style="list-style-type: none"> • SOUTHERLY VIEWS FROM KINGS ACRE ROAD TO BREINTON RIDGE; • VIEWS FROM BREINTON RIDGE; • VIEWS FROM/OF ADAMS HILL; • VIEWS FROM/TO BREINTON MANOR (THE TRIG POINT); • VIEWS OF THE RIVER WYE SPECIAL AREA OF CONSERVATION; • VIEWS WEST TOWARDS BREINTON COMMON; • VIEWS PAINTED BY BRIAN HATTON (SEE THE EXAMPLES IN FIGURE 4). 	<p>contained in this document.</p>
<p><u>B17 – LOCAL HERITAGE ASSETS</u></p> <p>B17 – LOCAL HERITAGE ASSETS</p> <p>DEVELOPMENT PROPOSALS SHOULD CONSERVE AND ENHANCE THE LOCAL HERITAGE ASSETS LISTED IN APPENDIX 1.</p>	<p>Core Strategy Policy LD4 seeks to protect, conserve and, where possible, enhance heritage assets. In identifying a local list of such assets and by seeking to conserve and enhance them Policy B17 is in general conformity with Core Strategy policy.</p>
<p><u>B18 – VELDIFER</u></p> <p>TO SUPPORT THE RETENTION AND GROWTH OF EXISTING BUSINESSES AT VELDIFER, DEVELOPMENT FOR BUSINESS (B1), GENERAL INDUSTRIAL (B2) AND WAREHOUSING (B8) USES WILL BE ENCOURAGED AT THE SITE (FIGURE 21).</p> <p>DEVELOPMENT FOR NON-EMPLOYMENT</p>	<p>Core Strategy Policy E2 sets out criteria for the redevelopment of existing employment sites. This seeks to ensure that “development of the site for other uses would not result in an overall shortage in the quality and quantity of employment land supply in the area”. Policy B18’s approach in seeking not to undermine the use of the wider site for employment purposes is consistent with strategic planning policy.</p>

<p>GENERATING USES WILL ONLY BE PERMITTED WHEN IT WOULD NOT HAVE A DETRIMENTAL IMPACT ON THE CONTINUED USE OF THE SITE FOR EMPLOYMENT PURPOSES.</p> <p>ALL NEW DEVELOPMENT ON THE SITE SHOULD NOT HAVE A SIGNIFICANTLY ADVERSE EFFECT ON THE RIVER WYE SPECIAL AREA OF CONSERVATION (SAC). IF SUCH EFFECTS ARE IDENTIFIED THEY MUST BE SUITABLY MITIGATED. IN PARTICULAR, DEVELOPMENT WILL ONLY BE PERMITTED WHEN IT CAN BE CLEARLY DEMONSTRATED BY THE APPLICANT THAT IT WOULD NOT COMPROMISE THE ABILITY OF THE RIVER WYE SAC NUTRIENT MANAGEMENT PLAN TO REDUCE OVERALL NUTRIENT LEVELS ALONG STRETCHES OF THE RIVER WYE THAT EXCEED, OR ARE AT THE RISK OF EXCEEDING, WATER QUALITY TARGETS.</p>	
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Be Compatible with EU Obligations

The Submission Neighbourhood Plan is fully compatible with EU Obligations.

The Neighbourhood Plan has been subjected to an SEA Screening Assessment undertaken by Herefordshire Council. As a result, a full Strategic Environmental Assessment (Environmental Report) and Habitat Regulations Assessment have been undertaken by Herefordshire Council at key stages in the plan's preparation. These reports are available separately. The latest Environmental Report (February 2016) concludes that:

“The NDP has been refined by the NDP steering group to reflect feedback from the Regulation 16 consultation on the Plan and Environmental and Habitat Regulations Assessment (HRA) Reports, None of these refinements materially affected the outcomes of Stage B of the SEA process, as they did not involve the introduction of new policies or change the overall aims and objectives of the existing planning policies, although some have changed order and feature earlier than they did in the draft plan. In general, the refinements related to the composition of certain sentences and phrases, minor points of accuracy in relation to technical information and references to evidence base studies and other documentation. The recommendations of statutory consultees have been incorporated where necessary, too.

On that basis, the conclusion set out in the Draft Environmental Report remains valid. That is, the Breinton NDP is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Nor does it propose any growth that would be over and above that prescribed by strategic policies. Therefore no changes to the NDP are recommended as a result of the SEA.”

The Habitat Regulations Assessment (February 2016) concludes that “the earlier conclusion that the Breinton NDP will not have a likely significant effect on the River Wye SAC remains valid”

The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:

Breinton Regulation 16 Re-Submission Neighbourhood Development Plan – Basic Conditions Statement, February 2016

Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that "The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The Group Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

